

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

YOLANDA MADRY, )  
)  
Plaintiff, ) No. 2:18-cv-00402  
)  
vs. ) PRETRIAL ORDER  
)  
KING COUNTY DEPARTMENT OF ) LCR 16(1)  
TRANSPORTATION (KCDOT), )  
) TRIAL DATE: MAY 20, 2019  
Defendant. )

The parties submit this Joint Pretrial Statement in accordance with Western District of Washington Civil Rule 16(h) and the Court's Order Setting Trial Date and Related Dates.

**I. FEDERAL JURISDICTION**

Jurisdiction in this case is pursuant to 28 U.S.C.A. §1367.

**II. CLAIMS AND DEFENSES**

**A. Plaintiff's Claims**

1. **RCW 49.60** – DISPARATE TREATMENT - Plaintiff is alleging disparate treatment based on Race.
2. **RCW 49.60** – RETALIATION FOR OPPOSING A DISCRIMINATORY PRACTICE Plaintiff is alleging that she was terminated in retaliation for opposing a discriminatory practice at work.

1           **B. Defendant's Defenses**

- 2           1. The damages and/or injuries alleged by the plaintiff, if any, are the result of the
- 3           plaintiff's own conduct and were not the result of any conduct of the defendant.
- 4           2. King County would have made the same decision to terminate Plaintiff's
- 5           employment.
- 6           3. Plaintiff has failed to mitigate her damages, if any exist.

7           **III. STIPULATED FACTS**

8           The following facts are admitted by the parties:

- 9           1. On April 13, 2015, Plaintiff received an offer of employment as a term-limited temporary
- 10           Transit Administrative Support Specialist III (TASS III) in the Transit Division's Human
- 11           Resources Section. Plaintiff's start date was April 14, 2015 and the work was anticipated
- 12           to end no later than April 13, 2016.
- 13           2. Plaintiff received an offer letter for the position of Recruiting Coordinator TLT (HR
- 14           Associate) on May 4, 2015.
- 15           3. Plaintiff began her position as a TLT Recruiting Coordinator (HR Associate) on May 11,
- 16           2015.
- 17           4. Ivette Martinez Morales formally reviewed Plaintiff's work performance in August of
- 18           2015.
- 19           5. The TASS III position reported to Adrienne Leslie. As an HR Associate, Plaintiff's
- 20           supervisor was Ivette Martinez Morales during her employment term.
- 21           6. King County conducted an investigation into Plaintiff's access into NEOGOV during early
- 22           October of 2015.
- 23

7. King County employee Susan Eddy conducted an investigation of an allegation that Plaintiff misused county information technology assets. Plaintiff was suspected to have improperly used the NEOGOV applicant tracking system by accessing applicant information in a recruitment for which she was an active applicant, changing applicant status, and moving applications through examination steps.
8. Plaintiff told employee James Moreau that King County employee, Ivette Martinez Martinez Morales mentioned the words “race card” to her in reference to another Black employee applying for a job by the name of Lee Jones.
9. Plaintiff was terminated from King County on October 16, 2015.
10. Plaintiff sought no medical, mental health, or psychiatric care between January 26, 2015 and March 18, 2016 other than filling previously prescribed prescriptions for medication.
11. Plaintiff was diagnosed with Generalized Anxiety Disorder several years ago and has been prescribed and taking medications to treat it since at least 2013.

#### **IV. ISSUES OF LAW**

The following are the issues of law to be determined by the Court:

##### **A. Plaintiff:**

1. Did Defendant violate Plaintiff’s rights under RCW 49.60 by treating her disparately compared to her similarly situated coworkers based on Race?
2. Did Defendant violate Plaintiff’s rights under RCW 49.60 by retaliating against her after Plaintiff reported to a coworker that her supervisor, Ivette Martinez-Morales, made a comment that Plaintiff believed was offensive based on race?

- 1 3. Was Ms. Madry's race a substantial factor in Defendant, King County's, decision to  
2 terminate her employment in violation of the Washington Law Against Discrimination?
- 3 4. Was Ms. Madry's alleged opposition to an alleged discriminatory statement made by,  
4 Ivette Martinez-Morales, a "substantial factor" in King County's decision to terminate  
5 Madry?

6

7 **V. WITNESSES**

8 **A. Plaintiff's Witnesses**

9 **EXPERT WITNESS:**

10 **1. Robert Patton – Will Testify via Video Deposition**

11 Mr. Patton will testify to Plaintiff's Economic Loss since her termination from King  
12 County. Mr. Patton is an expert economist as set forth in his report dated April 9, 2019.

13

14 **2. Evan Kanter –**

15 Mr. Kanter formed his opinion of Ms. Madry's medical conditions during visits she had  
16 with him to treat anxiety and depression.

17 **LAY WITNESSES:**

18 **3. Plaintiff, Yolanda Madry – Will Testify**

19 Contact Information is with Plaintiff's counsel at:

20  
21 Nolan Lim Law Firm, PS  
22 705 Second Ave. Suite, 1000  
23 Seattle, WA 98104

1       **4. Ivette Martinez Morales – Will Testify**

2               Contact Information Known to Defendant

3               Information regarding Defendants' actions during the events immediately proceedings and  
4               lasting through the termination of Plaintiff.

5  
6       **5. Susan Eddy – Will Testify**

7               Contact Information Known to Defendants

8               Information regarding Defendants' actions during the events immediately proceedings and  
9               lasting through the termination of Plaintiff.

10  
11       **6. Adrienne Leslie – Will Testify**

12              Contact Information Known to Defendants

13              Information regarding Defendants' actions during the events immediately proceedings and  
14              lasting through the termination of Plaintiff.

15  
16       **7. James Moreau – Will Testify**

17              2653 22<sup>nd</sup> W. Avenue

18              Seattle, WA 98199

19              Former employee of Defendant who will testify to events during and immediately after  
20              Plaintiff's employment termination. Mr. Moreau will testify to his recollection of events  
21              during Ms. Madry's employment and immediately thereafter.

22       **8. Jose Dominguez – Will Testify**

23              (360) -584-7177

1 Tumwater, WA

2 Mr. Dominguez will testify to his recollection of events during Plaintiff's employment  
3 with Defendant.

4 **9. Jenifer Montoya –Witness**

5 Information regarding Defendant's action during the last two weeks prior to Plaintiff's  
6 termination.

7  
8 **Defendant's Response:** As set forth in Motions *in Limine*, King County reiterates its objections  
9 to the testimony of the witnesses who were not disclosed in discovery. King County specifically  
10 objects to the testimony of Lee Jones, Jeffrey Edwards, and Unita Knight who were not disclosed  
11 in initial disclosures or any subsequent responses to King County's requests for discovery. King  
12 County objects to the testimony of Dr. Evan Kanter who was not disclosed as a witness until  
13 April 16, 2019, more than two months after the end of discovery, and to his designation as an  
14 expert for the first time on April 23, 2019, more than six months after the expert disclosure  
15 deadline.

16 **B. Defendant's Witnesses**

17 **1. Susan Eddy – Will Testify**

18 Contact through defendant's counsel.

19 Ms. Eddy participated in plaintiff's training, interviewed her related to concerns  
20 regarding HR Associate in-fighting, conducted the investigation into plaintiff's misuse of  
21 the Neogov system and has information on the events leading to the plaintiff's  
22 termination.  
23

1       **2. Edye Edwards – Will Testify**

2           Contact through defendant’s counsel.

3           Ms. Edwards worked as a Human Resource Associate during the time of plaintiff’s  
4           employment and has information on the events leading to the plaintiff’s termination.

5       **3. Anh Hoang – Possible Witness Only**

6           Contact through defendant’s counsel

7           Ms. Hoang worked as an Employee Labor Representative and spoke with the plaintiff in  
8           the time period preceding plaintiff’s termination.

9       **4. Grant Johnson – Will Testify**

10          Contact through defendant’s counsel. Mr. Johnson worked as a Human Resource  
11          Associate during the time of plaintiff’s employment and participated in plaintiff’s  
12          training. He was supervised by Ivette Martinez-Morales.

13       **5. Adrienne Leslie – Will Testify**

14          Contact through defendant’s counsel.

15          Ms. Leslie terminated plaintiff from her employment and has information on the events  
16          leading to that decision.

17       **6. Elisha Mackey – Will Testify**

18          Ms. Mackey worked as a Human Resource Associate with plaintiff and has information  
19          pertaining to the requirements of the position and related to the events leading to plaintiff’s  
20          termination.

21       **7. Ivette Martinez Morales – Will Testify**

22          Contact through defendant’s counsel.

23          Ms. Martinez Morales was plaintiff’s supervisor at the time of her termination and has  
            information on the events leading to that decision.

1       **8. James Moreau – Possible Witness Only**

2           2653 22<sup>nd</sup> W. Avenue

3           Seattle, WA 98199

4           Mr. Moreau spoke with plaintiff prior to her termination.

5       **9. Patricia Stinehour – Possible Witness Only**

6           Contact through defendant's counsel.

7           Ms. Stinehour worked as a Human Resource Associate with plaintiff and has information  
8           pertaining to the requirements of the position and related to the events leading to plaintiff's  
9           termination.

10      **10. Records Custodian for General Dynamics –Possible Witness Only**

11          3756 17<sup>th</sup> Street SW

12          Lewis McChord, WA 98433

13          253-964-0458

14          The Records Custodian for General Dynamics would be called to authenticate records  
15          received from Plaintiff's current employer General Dynamics.

16      **11. Records Custodian for Providence Health Services – Possible Witness Only**

17          1801 Lind Ave SE

18          Renton, WA 98057

19          425-525-3355

20          The Records Custodian for Providence Health Services would be called to authenticate  
21          records received from Plaintiff's former employer Providence Health Services.

22      **12. Records Custodian for PacMed – Possible Witness Only**

23          601 S Carr Road

            Renton, WA98055



425-277-3700

The Records Custodian for PacMed Renton would be called to authenticate Medical records received from Plaintiff's Medical Providers.

## **VI. EXHIBITS**

### **A. Plaintiff's Exhibits**

Ex. No.	Date	Bates Number	Description	Admissibility Stipulated	Disputed Admissibility	Disputed Authenticity
1	2015-04-13	KC-YM-000063	Plaintiff's Hiring Letter for TASS III	X		
2	2015-05-04	KC-YM-000093-94	Plaintiff's Hiring Letter for TLT	X		
3	2015-08-11	KC-YM-000012-14	Performance Review	X		
4	2015-10-05	KC-YM-000043	Paid Admin Leave Letter	X		
6	2015-10-16	KC-YM-000114 - KC-YM-000115	Plaintiff's Termination Letter	X		
7	2015-08-25	KC-YM-000604	Chief's Toolbox Email, From: Adrienne Leslie, To: Ivette Martinez-Morales	X		
8	2015-10-05	KC-YM-000045-49	Madry Investigation Report	X		
9	2015-10-20	KC-YM-000022-23	Madry Correspondence placed in personnel file	X		
10	2013-11-01		<b>King County Space Planning Document</b>		X	X
11	2006-07-25		Employee Related Workplace Investigations Policy	X		
12	2015-10-15	KC-YM-000232-235	Interview Notes Madry Investigation - Ivette Martinez Morales	X		
13	2015-10-05	KC-YM-000256-258	From: Anh Honag To Susan Eddy; Hoang Notes of Meeting with Madry	X		
14	2015-10-05	KC-YM-000042	Jose Dominguez Written Note	X		
15	2002-07-01	KC-YM-001021 - KC-YM-001025	King County Non-Discrimination Policy	X		
16	2015-10-09	KC-YM-000262 - KC-YM-000263	Eddy to Hoang Email regarding Madry conversation notes	X		
17	2015-10-06	KC-YM-000249 - 252	Email from Martinez-Morales to Susan Eddy – Interview Notes	X		
18	2015-10-15	KC-YM-000026 - KC-YM-000041	Eddy Handwritten Notes	X		
19	2015-10-15	KC-YM-000236-238	Jose Dominguez Investigation Notes	X		

20	2013-12-01		<b>King County Due Process Manual</b>		<b>X</b>	
21	2015-11-19	YM-000237	Plaintiff Last Paystub at King County	X		
22	2018-01-01		Plaintiff's W2 from Providence Hospital	X		
23	2018-01-01		Plaintiff's W2 from General Dynamics	X		
24	2018-01-01		Plaintiff's W2 from Nordstrom	X		
25	2018-01-01		Plaintiff's W2's from Contract Professionals	X		
26	2018-08-23	PM - 0002 - PM - 0005; PM - 0009 - PM - 0012; PM - 0013 - PM - 0016; PM - 0017 - PM - 0021; PM - 0021 - PM - 0025; PM - 0040 - PM - 0042; PM - 0042 - PM - 0045; PM - 0048 - PM - 0051; PM - 0056 - PM - 0059; PM - 0062 - PM - 0065	Plaintiff Pacific Medical Records (Stipulated Set w/ Redactions of Unrelated Personal Information)	X		
27	2016-01-01	YM00019-20	Plaintiff's 1040 2015	X		
28	2017-01-01	YM000030-31	Plaintiff's 1040 2016	X		
29	2018-01-01	YM0000147-149	Plaintiff's 1040 2017	X		
30	2015-09-22	KC-YM0000749	Email – Martinez Morales to Yolanda Madry re Lee Jones	X		
31	2015-09-28	KC-YM-000781-782	Email from Martinez Morales to Madry Re: Liability	X		
32		<b>Dkt No. 4</b>	<b>Defendant's answer to Plaintiff's Complaint</b>		<b>X</b>	
33	<b>2018-04-06</b>		<b>Defendant's answers to Plaintiff's First Set of Interrogatories</b>		<b>X</b>	
34	2015-04-14	KC-YM-00050	Yolanda Madry – Access to Confidential Employee Data Form	X		
35			<b>Perpetuation Video deposition of Bob Patton in lieu of live trial testimony</b>		<b>X</b>	<b>X</b>
36	2018-06-15		Plaintiff's last paystub at Providence Hospital	X		
37	2016-01-01	YM-000241 (2)	W2 Providence 2016	X		
38	2017-01-01	YM-000242 (2)	W2 Providence 2017	X		
39	2015-01-01		1099 KCDOT 1099	X		
40	2018-11-01	74:14-74:22 Video Timestamp: 12:02:55-12:03:05	Video Deposition Clip of Ivette Martinez-Morales			

41			<i>Demonstrative Economic Loss Chart</i>			
42			<i>Demonstrative</i>			
43			<i>Demonstrative Organizational Chart</i>			
44			<i>Demonstrative Photos of King County Management staff</i>			

**B. Defendant's Exhibits**

Ex. No.	Date	Bates Number	Description	Admissibility Stipulated	Disputed Admissibility	Disputed Authenticity
100	2005-04-01		King County Personnel Guidelines	X		
101	2015-03-04	KC-YM-000087	Transit Administrative Support Specialist Job Posting	X		
102	2015-03-22	KC-YM-000106	Recruiting Coordinator Job Posting	X		
103	2015-04-14	KC-YM-000069	Hire Letter for HR Associate Position	X		
104	2015-05-01		HR Org Chart	X		
105	2015-05-03	KC-YM-000118	Transit HR Onboarding and Training Plan for HR Associates	X		
106	2015-05-11	KC-YM-000302	HR Associate TLT Schedule	X		
107	2015-09-05		<i>Demonstrative Picture of HR Staff</i>			
108	2015-09-10	KC-YM-000011	Email from Parker to Ivette regarding Interview Scores 2015RC04617	X		
109	2015-09-17	KC-YM-000003	Email from Madry to Ivette regarding Interview Scores 2015JD05030	X		
110	2015-10-05	KC-YM-000052	Response and Memo regarding Investigation from Martinez-Morales	X		
111	2015-10-17	KC-YM-000113	PCN for Termination	X		
112	2016-01-01		2016 King County Salary Table	X		
113	2016-01-15		Hire Letter from Providence	X		
114	2017-01-01		2017 King County Salary Table	X		
115	<b>2017-04-02</b>		<b>2017 Performance and Development Form from Providence</b>		<b>X</b>	<b>X</b>
116	2018-01-01		2018 King County Salary Table 1.75%	X		
117	2018-01-01		2018 King County Salary Table 3.25%	X		
118	2018-11-09		Hire Letter from General Dynamics	X		
119	2019-02-14		Settlement Agreement from Providence health and services		<b>X</b>	
120	<b>2019-02-14</b>		<b>Tuition Reimbursement from Providence health and services</b>		<b>X</b>	

121	2019-01-01		King County Code Title 3 Personnel - Chapter 3		X	X
122	2019-04-17		<i>Demonstrative Timelines</i>			
123	2015-01-01		PERS Choice Booklet		X	X
124	2014-04-01		King County Contingent Worker Manual		X	X
125	2014-09-01		King County Performance Appraisal and Merit Pay System Manual		X	X
126			<i>Economic Loss Demonstrative</i>			
127			<i>Demonstrative Aids</i>			

DATED this 3<sup>rd</sup> day of May, 2019.

NOLAN LIM LAW FIRM, P.S.

By: /s/Nolan Lim  
Nolan Lim Law Firm, PS  
705 Second Ave., Suite 1000  
Seattle, Washington 98104  
Telephone: (206) 774-8874  
Facsimile: (206) 430-6222  
nolan@nolanlimlaw.com

Attorney for Plaintiff

DANIEL T. SATTERBERG  
King County Prosecuting Attorney

By: /s/Donna F. Bond  
Donna F. Bond, WSBA #36177  
Amy Montgomery, WSBA #32068  
500 Fourth Avenue  
Seattle, Washington 98104  
Telephone: (206) 296-0430  
Fax: (206) 296-8819  
dbond@kingcounty.gov  
Attorneys for King County

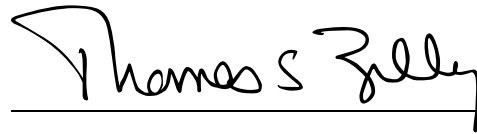
### **ACTION BY THE COURT**

- (a) This case is scheduled for trial before a jury on May 20, 2019, at 9:00 a.m.
- (b) Trial briefs shall be submitted to the Court on or before May 3, 2019.
- (c) Jury instructions requested by either party shall be submitted to the Court on or before May 3, 2019. Suggested questions of either party to be asked of the jury by the Court on voir dire shall be submitted to the Court on or before May 3, 2019.

This order has been approved by the parties as evidenced by the signatures of their counsel. This order shall control the subsequent course of the action unless modified by a

1 subsequent order. This order shall not be amended except by order of the Court pursuant to  
2 agreement of the parties or to prevent manifest injustice.

3  
4 DATED this 9th day of May, 2019.

5  
6 

7 Thomas S. Zilly  
8 United States District Judge  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23